

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111

Serial Number: 10/619,060

Filing Date: July 14, 2003

Title: Adjustable Angle Coupler for Leaching Chamber Systems

Dkt: 1652.2003-003

REMARKS

Claims 1-3, 5-25, and 27-86 are pending in the application, from which the Applicants have elected a species and subspecies. The Office has examined subspecies claims 5, 27, 51, and 70 and their base claims (1, 23, 45, and 47). All claims stand rejected under 35 U.S.C. § 102(e). The rejections are traversed.

The Office has also objected to the specification as having certain informalities. In response the specification has been amended.

Claim Rejections Under § 102

Claims 1, 5, 23, 27, 45, 47, 51, and 70 were rejected under 35 USC § 102(e) as being anticipated by U.S. Patent No. 6,120,209 to Evans. The rejections are traversed.

Each rejected claim recites, through its base claim, "a swivel connector for adjusting the angle between the first chamber and the second chamber within a range of angles." (See claims 1, 23, 45, and 47.) That limitation corresponds to the elected species. The elected subspecies further limits the claims to a swivel connector having a post member. An embodiment of the species and subspecies is illustrated in FIG. 4 of the application.

In contrast, Evans discusses corrugated pipes that can be used in various applications. FIGs. 15-17, and 33-34 of Evans illustrate such pipes. The pipes include a flange end portion (250) with receives an opposing corrugated end of another pipe. Recessed wall portions (249) of the flange end (250) help interlock the flange end (250) with the received pipe. The pipe can also include a rib (210) running along the length of the pipe to add stiffness against vertical forces. The pipe, however, remains flexible in the horizontal plane (see Evans at col. 13, ll. 11-18).

The Office Action asserts that the recessed wall portions (249) and the flange end portion (250) are the claimed adjustment feature and swivel connector, respectively. Those assertions are traversed for at least three reasons.

- 1) Evans does not discuss any ability of the recessed wall portion (249) or the flange end portion (250) to adjust the angle between the mated pipes. There is therefore no support for the assertion that those features teach or suggest the claimed limitations.

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- 2) Evans shows that the flange end portion (250) includes the recessed wall portions (249), not the other way around—as would be required by the applicants' claims (“an adjustment feature including a swivel connector...”). There is therefore no teaching or suggestion in Evans as to the claimed structural relationship between the adjustment feature and the swivel connector.
- 3) Because Evans' pipe is flexible, any adjustment in direction of the joined pipes